

## RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ Appendix W ... has been added to the 2017 LRB-6074

Appendix A ☞ LRB 17-5979

Appendix B ☞ LRB 17-5982

Appendix C ☞ LRB 17-5983

Appendix D ☞ LRB 17-5985

Appendix E ☞ LRB 17-5986

Appendix F ☞ LRB 17-5989

Appendix G ☞ LRB 17-5990

Appendix H ☞ LRB 17-5995

Appendix I ☞ LRB 17-5998

Appendix J ☞ LRB 17-6001

Appendix K ☞ LRB 17-6004

Appendix L ☞ LRB 17-6006

Appendix M ☞ LRB 17-6007

Appendix N ☞ LRB 17-6012

Appendix O ☞ LRB 17-6015

Appendix P ☞ LRB 17-6017

Appendix Q ☞ LRB 17-6019

Appendix R ☞ LRB 17-6021

Appendix S ☞ LRB 17-6023

Appendix T ☞ LRB 17-6024

Appendix U ☞ LRB 17-6025

Appendix V ☞ LRB 17-6027

Appendix W ☞ LRB 17-6028

Appendix X ☞ LRB 17-6031

Appendix Y ☞ LRB 17-6036

Appendix Z ☞ LRB 17-6037

Appendix AA ☞ LRB 17-6038

Appendix BB ☞ LRB 17-6039

Appendix CC ☞ LRB 17-6040

Appendix DD ☞ LRB 17-6041

Appendix EE ☞ LRB 17-6042

Appendix FF ☞ LRB 17-6043

Appendix GG ☞ LRB 17-6046

Appendix HH ☞ LRB 17-6047

Appendix II ☞ LRB 17-6048

Appendix JJ ☞ LRB 17-6049

Appendix KK ☞ LRB 17-6050

Appendix LL ☞ LRB 17-6051

Appendix MM ☞ LRB 17-6052

Appendix NN ☞ LRB 17-6058

Appendix OO ☞ LRB 17-6059

Appendix PP ☞ LRB 17-6065

Appendix QQ ☞ LRB 17-6067

**2017 DRAFTING REQUEST**

**Bill**

For: **Robin Vos (608) 266-9171** Drafter: **rchampag**  
 By: **Steve/Alicia** Secondary Drafters:  
 Date: **11/16/2018** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Vos@legis.wisconsin.gov**  
 Carbon copy (CC) to: **steve.fawcett@legis.wisconsin.gov**  
**Alicia.Schweitzer@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Outside representation for legislators and staff

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rchampag 11/26/2018	eweiss 11/26/2018	lparisi 11/16/2018		
/P2			dwalker 11/26/2018		

FE Sent For: **<END>**



Per Steve / Alicia

(1) Speaker can permit outside counsel for members & employees. Paid from (1) (a)

(2) Senate majority leader can permit outside counsel for senators & employees. Paid from (1) (b)

(3) Both speaker & sen. majority leader can retain outside counsel for assembly & senate employees.

(4) JCLC co-directors can retain for leg. services agency employees. + for entire legislature as an option



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6028/P1

RAC:... RAC

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA  
xref

Gen.

- 1 AN ACT ...; relating to: retaining outside legal representation for legislators and
- 2 legislative staff.

*Analysis by the Legislative Reference Bureau*

Currently, representatives to the assembly and senators, as well as legislative employees, may receive legal representation from the Department of Justice (DOJ) in most legal proceedings. Assembly and senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

With respect to the assembly, the bill provides that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties. The speaker may also obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

With respect to the senate, the bill provides that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the senator's or employee's duties. The majority leader may also obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

Finally, the bill provides that the cochairpersons of the joint committee on legislative organization may authorize a legislative service agency employee who

requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the employee's duties. The cochairpersons may also obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 13.124 of the statutes is created to read:

2           ~~13.124~~ **Legal representation.** (1) (a) The speaker of the assembly may  
3 authorize a representative to the assembly or assembly employee who requires legal  
4 representation to obtain legal counsel other than from the department of justice,  
5 with the cost of representation paid from the appropriation under s. 20.765 (1) (a),  
6 if the acts or allegations underlying the action are arguably within the scope of the  
7 representative's or employee's duties.

8           (b) The speaker of the assembly may obtain legal counsel other than from the  
9 department of justice, with the cost of representation paid from the appropriation  
10 under s. 20.765 (1) (a), in any action in which the assembly is a party or in which the  
11 interests of the assembly are affected, as determined by the speaker.

12           (2) (a) The senate majority leader may authorize a senator or senate employee  
13 who requires legal representation to obtain legal counsel other than from the  
14 department of justice, with the cost of representation paid from the appropriation  
15 under s. 20.765 (1) (b), if the acts or allegations underlying the action are arguably  
16 within the scope of the senator's or employee's duties.

17           (b) The senate majority leader may obtain legal counsel other than from the  
18 department of justice, with the cost of representation paid from the appropriation

1 under s. 20.765 (1) (b), in any action in which the senate is a party or in which the  
2 interests of the senate are affected, as determined by the senate majority leader.

3 (3) (a) The cochairpersons of the joint committee on legislative organization  
4 may authorize an employee of a legislative service agency, as defined in s. 13.90 (1m),<sup>(a)</sup>  
5 who requires legal representation to obtain legal counsel other than from the  
6 department of justice, with the cost of representation paid from the appropriation  
7 under s. 20.765 (1) (a) or (b), as determined by the cochairpersons, if the acts or  
8 allegations underlying the action are arguably within the scope of the employee's  
9 duties.

10 (b) The cochairpersons of the joint committee on legislative organization may  
11 obtain legal counsel other than from the department of justice, with the cost of  
12 representation paid from the appropriation under s. 20.765 (1) (a) or (b), as  
13 determined by the cochairpersons, in any action in which the legislature is a party  
14 or in which the interests of the legislature are affected, as determined by the  
15 cochairpersons.

16 (END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6028/P1

RAC:amn

emw

P2

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT** *to create* 13.124 of the statutes; **relating to:** retaining outside legal  
2 representation for legislators and legislative staff.

---

***Analysis by the Legislative Reference Bureau***

Currently, representatives to the assembly and senators, as well as legislative employees, may receive legal representation from the Department of Justice in most legal proceedings. Assembly and senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

With respect to the assembly, the bill provides that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties. The speaker may also obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

With respect to the senate, the bill provides that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the senator's or employee's duties. The majority leader may also obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

Finally, the bill provides that the cochairpersons of the Joint Committee on Legislative Organization may authorize a legislative service agency employee who requires legal representation to obtain outside legal counsel if the acts or allegations

underlying the action are arguably within the scope of the employee's duties. The cochairpersons may also obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       SECTION 1. 13.124 of the statutes is created to read:

2       **13.124 Legal representation.** (1) (a) The speaker of the assembly may

3 authorize a representative to the assembly or assembly employee who requires legal

4 representation to obtain legal counsel other than from the department of justice,

5 with the cost of representation paid from the appropriation under s. 20.765 (1) (a),

6 if the acts or allegations underlying the action are arguably within the scope of the

7 representative's or employee's duties. ↑

8       (b) The speaker of the assembly may obtain legal counsel other than from the

9 department of justice, with the cost of representation paid from the appropriation

10 under s. 20.765 (1) (a), in any action in which the assembly is a party or in which the

11 interests of the assembly are affected, as determined by the speaker. ↑

12       (2) (a) The senate majority leader may authorize a senator or senate employee

13 who requires legal representation to obtain legal counsel other than from the

14 department of justice, with the cost of representation paid from the appropriation

15 under s. 20.765 (1) (b), if the acts or allegations underlying the action are arguably

16 within the scope of the senator's or employee's duties. ↑

17       (b) The senate majority leader may obtain legal counsel other than from the

18 department of justice, with the cost of representation paid from the appropriation

19 under s. 20.765 (1) (b), in any action in which the senate is a party or in which the

20 interests of the senate are affected, as determined by the senate majority leader. ↑

ins - 2  
11-2  
ins 2-14  
2-20  
in his or her sole discretion,



1 (3) (a) The cochairpersons of the joint committee on legislative organization  
2 may authorize an employee of a legislative service agency, as defined in s. 13.90 (1m)  
3 (a), who requires legal representation to obtain legal counsel other than from the  
4 department of justice, with the cost of representation paid from the appropriation  
5 under s. 20.765 (1) (a) or (b), as determined by the cochairpersons, if the acts or  
6 allegations underlying the action are arguably within the scope of the employee's  
7 duties. ↑

8 (b) The cochairpersons of the joint committee on legislative organization may  
9 obtain legal counsel other than from the department of justice, with the cost of  
10 representation paid from the appropriation under s. 20.765 (1) (a) or (b), as  
11 determined by the cochairpersons, in any action in which the legislature is a party  
12 or in which the interests of the legislature are affected, as determined by the  
13 cochairpersons. ↑

14 (END)

in their sole discretion,

**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-6028/P2ins  
RAC:amn

**Insert 2-7:**

The speaker shall approve all financial costs and terms of representation. ✓

**Insert 2-11:**

The speaker shall approve all financial costs and terms of representation. ✓

**Insert 2-16:**

The senate majority leader shall approve all financial costs and terms of representation. ✓

---

**Insert 2-20:**

The senate majority leader shall approve all financial costs and terms of representation. ✓

**Insert 3-7:**

The cochairpersons shall approve all financial costs and terms of representation. ✓

**Insert 3-13:**

The cochairpersons shall approve all financial costs and terms of representation. ✓



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6028/P2  
RAC:amn&emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT** *to create* 13.124 of the statutes; **relating to:** retaining outside legal  
2 representation for legislators and legislative staff.

---

***Analysis by the Legislative Reference Bureau***

Currently, representatives to the assembly and senators, as well as legislative employees, may receive legal representation from the Department of Justice in most legal proceedings. Assembly and senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

With respect to the assembly, the bill provides that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties. The speaker may also obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

With respect to the senate, the bill provides that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the senator's or employee's duties. The majority leader may also obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

Finally, the bill provides that the cochairpersons of the Joint Committee on Legislative Organization may authorize a legislative service agency employee who requires legal representation to obtain outside legal counsel if the acts or allegations

underlying the action are arguably within the scope of the employee's duties. The cochairpersons may also obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1.** 13.124 of the statutes is created to read:

2       **13.124 Legal representation.** (1) (a) The speaker of the assembly, in his or  
3 her sole discretion, may authorize a representative to the assembly or assembly  
4 employee who requires legal representation to obtain legal counsel other than from  
5 the department of justice, with the cost of representation paid from the appropriation  
6 under s. 20.765 (1) (a), if the acts or allegations underlying the action are arguably  
7 within the scope of the representative's or employee's duties. The speaker shall  
8 approve all financial costs and terms of representation.

9       (b) The speaker of the assembly, in his or her sole discretion, may obtain legal  
10 counsel other than from the department of justice, with the cost of representation  
11 paid from the appropriation under s. 20.765 (1) (a), in any action in which the  
12 assembly is a party or in which the interests of the assembly are affected, as  
13 determined by the speaker. The speaker shall approve all financial costs and terms  
14 of representation.

15       (2) (a) The senate majority leader, in his or her sole discretion, may authorize  
16 a senator or senate employee who requires legal representation to obtain legal  
17 counsel other than from the department of justice, with the cost of representation  
18 paid from the appropriation under s. 20.765 (1) (b), if the acts or allegations  
19 underlying the action are arguably within the scope of the senator's or employee's

1 duties. The senate majority leader shall approve all financial costs and terms of  
2 representation.

3 (b) The senate majority leader, in his or her sole discretion, may obtain legal  
4 counsel other than from the department of justice, with the cost of representation  
5 paid from the appropriation under s. 20.765 (1) (b), in any action in which the senate  
6 is a party or in which the interests of the senate are affected, as determined by the  
7 senate majority leader. The senate majority leader shall approve all financial costs  
8 and terms of representation.

---

9 (3) (a) The cochairpersons of the joint committee on legislative organization,  
10 in their sole discretion, may authorize an employee of a legislative service agency, as  
11 defined in s. 13.90 (1m) (a), who requires legal representation to obtain legal counsel  
12 other than from the department of justice, with the cost of representation paid from  
13 the appropriation under s. 20.765 (1) (a) or (b), as determined by the cochairpersons,  
14 if the acts or allegations underlying the action are arguably within the scope of the  
15 employee's duties. The cochairpersons shall approve all financial costs and terms of  
16 representation.

17 (b) The cochairpersons of the joint committee on legislative organization, in  
18 their sole discretion, may obtain legal counsel other than from the department of  
19 justice, with the cost of representation paid from the appropriation under s. 20.765  
20 (1) (a) or (b), as determined by the cochairpersons, in any action in which the  
21 legislature is a party or in which the interests of the legislature are affected, as  
22 determined by the cochairpersons. The cochairpersons shall approve all financial  
23 costs and terms of representation.

24 (END)